

UNITED STATES DISTRICT COURT

District of Delaware

UNITED STATES OF AMERICA

V.

Jose A. Torres

Defendant

ORDER OF DETENTION PENDING TRIAL

Case CROF-54-2-GMS

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a ☐ federal offense ☐ state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the ☐ date of conviction ☐ release of the defendant from imprisonment for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ under 18 U.S.C. § 924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- (1) There is a serious risk that the defendant will not appear.
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence X a preponderance of the evidence: The court concludes that defendant should be detained in that there are no conditions or combination thereof that will reasonably assure defendant's appearance as required on the following bases:

Nature of the offense: Although defendant is not charged with a rebuttable offense, but is charged with violations of 18 USC § 371 (conspiracy), 18 USC § 1028 (fraud in connection with ID documents), social security fraud under 42 USC § 408 and aggravated ID theft under 18 USC § 1028, defendant's activities involved an extensive amount of fraudulent ID documents (legitimate documents but not for the legitimate persons) from Puerto Rico. When arrested after leaving in Puerto Rico for 4 years (after his return from DE), defendant was found with a fraudulent SS card on his person.

Weight of the Evidence: As indicated this was an extensive investigation involving multiple search warrants for packages coming from PR to DE with confirmed ID documents in those packages which were obtained by defendant. Defendant was indicted on the charges.

Nature and characteristics of defendant: Because the documents are legitimate but illegally used, and defendant had a like document on his person when arrested, defendant still was engaged in fraudulent behavior in PR, the same location where he obtained the documents. Those documents were

sold within the US. This shows that defendant has the means and ability to continue to obtain like documents while on bail. This provides the means for him to flee or not return to court by easily obtaining another identity. Secured bail provide by his significant other with whom he has not lived with for 4 years, but who has provided support to him in PR will not detain him. Defendant left his significant other to essentially fend for herself, raise their two children, as well as, his daughter from a prior marriage and her child for the past 4 years, while at the same time she has provided support for him. She may be trusted to a degree, but there is no evidence that defendant can be trusted.

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U.S. DISTRICT COURT

3-10-1960 (2) 200-0-1-5 Detention Hearing Trial

NAME AND TITLE OF JUDICIAL OFFICER

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).